

REMARKS/ARGUMENTS

Claim Amendments

Applicant respectfully submits no new matter has been added. Accordingly, claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

The Applicant gratefully acknowledges the allowance of claims 11-12.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-4, 8-10, 13-14, 16-18, 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art of the instant application in paragraph [0002-0004], hereinafter referred to as the APA, in view of McManus (US 7,228,358). The Applicant respectfully traverses the rejection of these claims

The Detailed Action cites the APA for disclosing a CPE and BBRAS on either side of the DSLAM. Further, the Detailed Action notes that the APA does not teach a second transmission medium from the DSLAM to the second end node. The Applicant agrees. Respectfully, the assumption appears to be made in the rejection that one skilled in the art would recognize the advantage of testing a DSLAM network that communicates via more than one transmission medium by executing a loopback test in each of the mediums. However, the APA and the McManus references do not disclose the use of different transmission mediums between an intermediate node and the end nodes. Nor, do the APA and McManus disclose executing the loop-back test between each node and the intermediate node according to the standards of each medium.

Neither reference, APA or McManus, individually or in combination disclose the use of different loopback tests made according to the different transmission mediums that are connected between the end nodes and the intermediate node. This being the case the Applicant respectfully requests the withdrawal of the rejection of claims 1-4, 8-10, 13-14, 16-18, and 21.

The Applicant notes with appreciation the conditional allowance of claims 5-7, 15, and 19-20. No amendments have been made to narrow the scope of the pending claims or to create any sort of estoppel. The Applicant respectfully submits that the conditionally allowed claims depend from allowable independent claims 1, 11, 13 and 18 and recited additional limitations.

Prior Art Not Relied Upon


In paragraph 6 on page 5 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


By Sidney L. Weatherford
Registration No. 45,602

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com